

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

RAJ V. ABHYANKER,
 Petitioner.

Case No. 23-mc-80081-BLF

**ORDER GRANTING PETITIONER'S
 ADMINISTRATIVE MOTION TO FILE
 UNDER SEAL; DENYING PETITION
 FOR ISSUANCE OF SUBPOENAS;
 DENYING ADMINISTRATIVE
 MOTION FOR CLARIFICATION; AND
 DIRECTING THE CLERK TO CLOSE
 THE CASE**

[Re: ECF 1, 2, 3]

This miscellaneous case was opened to address a Petition for Issuance of Subpoenas under 35 U.S. Code § 24 (ECF 1) filed by Petitioner Raj V. Abhyanker, who is proceeding *pro se*. Petitioner also has filed an Administrative Motion to File Under Seal Exhibits A and B in Petition (ECF 2) and an Administrative Motion for Clarification on Issuance and Enforceability with Respect to Subpoenas for Appearance at Video Conference Hearings (ECF 3).

Administrative Motion to File Under Seal Exhibits A and B in Petition (ECF 2)

The Administrative Motion to File Under Seal Exhibits A and B in Petition (ECF 2) seeks to redact portions of two orders issued by J. Jeremiah Mahoney, United States Administrative Law Judge ("the ALJ"), in a matter before the United States Patent and Trademark Office.

"Historically, courts have recognized a 'general right to inspect and copy public records and documents, including judicial records and documents.'" *Kamakana v. City and Cnty. of Honolulu*, 447 F.3d 1172, 1178 (9th Cir. 2006) (quoting *Nixon v. Warner Commc 'ns, Inc.*, 435 U.S. 589, 597

1 & n.7 (1978)). Consequently, access to motions and their attachments that are “more than
2 tangentially related to the merits of a case” may be sealed only upon a showing of “compelling
3 reasons” for sealing. *Ctr. for Auto Safety v. Chrysler Grp., LLC*, 809 F.3d 1092, 1101-02 (9th Cir.
4 2016). Filings that are only tangentially related to the merits may be sealed upon a lesser showing
5 of “good cause.” *Id.* at 1097. This Court finds that the good cause standard governs here, where
6 the sealing request relates to an ALJ’s orders regarding issuance of subpoenas. The Court finds
7 good cause for sealing based on Petitioner’s representation that the proceedings before the ALJ are
8 confidential.

9 Accordingly, the Administrative Motion to File Under Seal Exhibits A and B in Petition
10 (ECF 2) is GRANTED.

11 *Petition for Issuance of Subpoenas under 35 U.S. Code § 24 (ECF 1)*

12 The Petition for Issuance of Subpoenas under 35 U.S. Code § 24 (ECF 1) asks the
13 undersigned to “sign issued subpoenas as Ordered” by the ALJ. Pet. at 1. Based on the two
14 orders of the ALJ submitted by Petitioner, it appears that the ALJ granted Petitioner’s motion for
15 leave to seek issuance of witness subpoenas from the Clerk of the United States District Court for
16 the District of Columbia, and subsequently granted Petitioner leave to seek issuance of witness
17 subpoenas from the Clerk of “an appropriate United States District Court.” Pet. Exs. A & B.
18 Pursuant to 35 U.S.C. § 24, the statute cited in the title of the petition, “[t]he clerk of any United
19 States court for the district wherein testimony is to be taken for use in any contested case in the
20 Patent and Trademark Office, shall, upon the application of any party thereto, issue a subpoena for
21 any witness residing or being within such district, commanding him to appear and testify before an
22 officer in such district authorized to take depositions and affidavits, at the time and place stated in
23 the subpoena.” 35 U.S.C. § 24. Neither the ALJ’s orders nor the statute provide a basis for
24 Petitioner to ask a district judge to sign and issue subpoenas. Moreover, Petitioner has submitted a
25 hodge-podge of proposed subpoenas, including subpoenas to individuals residing outside this
26 District, for example, in Sacramento, California and Mesa, Arizona. *See* Pet. Ex. C. It is not the
27 Court’s obligation to wade through numerous subpoenas to pluck the few that pertain to witnesses
28 located in this District.

1 Accordingly, the Petition for Issuance of Subpoenas under 35 U.S. Code § 24 (ECF 1) is
2 DENIED.

3 *Administrative Motion for Clarification (ECF 3)*

4 The Administrative Motion for Clarification on Issuance and Enforceability with Respect
5 to Subpoenas for Appearance at Video Conference Hearings (ECF 3) asks this Court “to clarify
6 this District’s position as to policy for the issuance and enforceability of subpoenas for appearance
7 at video conference hearings.” Admin. Mot. for Clarification at 5. It appears that Petitioner
8 wishes to challenge the ALJ’s decision to proceed via video conference in the administrative
9 proceedings before the United States Patent and Trademark Office. Petitioner has not provide any
10 authority suggesting that it would be appropriate for this Court to weigh in on that issue.


11 Petitioner’s Administrative Motion for Clarification on Issuance and Enforceability with
12 Respect to Subpoenas for Appearance at Video Conference Hearings (ECF 3) is DENIED.

13 *The Clerk Shall Close the Case*

14 All of the relief sought by Petitioner in this miscellaneous action having been denied, the
15 Clerk SHALL close the case.

16 **IT IS SO ORDERED.**

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18 Dated: March 27, 2023

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20 BETH LABSON FREEMAN
21 United States District Judge
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